Drawing Amendments

There are no amendments to the drawings.

Remarks

This a full and timely response to the outstanding Office Action mailed on 02/27/2006. In response, please consider the following remarks. The Office Action rejected claims 1, 3, 5, 8, 9,12, 14, 16-19, 21, and 23, as being unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,990,179 of L. Merrow, et al. (hereafter referred to as Merrow). Also, claims 1, 8, 12, and 19, were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,208,970 of K. Ramanan (hereafter referred to as Ramanan) in view of Merrow. Finally, claims 6, 7, 10, 11, 17, and 18, were rejected under 35 U.S.C. §103(a) as unpatentable over Merrow in view of Ramanan. No claims are being amended or cancelled.

Rejection of Claims 1, 3 and 5 under 35 U.S.C. §102(e)

This rejection is respectfully traversed. Claim 1 recites:

> receiving audio information from the destination endpoint;
>
> concurrently analyzing using automatic speech recognition the received audio information for words and tones; and
>
> determining a call classification for the destination endpoint in response to the step of analyzing.

In applying Merrow under 35 U.S.C. §102(e) to claim 1, the Office Action states in part "concurrently analyzing, using

a speech recognition system, the received audio information for spoken words after a greeting prompt (whether answered by an intended recipient) or a tone during the greeting prompt (answered by an answering machine) (Col. 7, lines 51-59; Col. 7, lines 32-42)." Claim 1 does not recite "concurrently analyzing using automatic speech recognition system". Rather, claim 1 recites "concurrently analyzing using automatic speech recognition". Claim 1 recites and Applicants' specification supports that tones are analyzed using automatic speech recognition techniques not merely the fact that a block labeled "speech recognition system" is detecting tones. It is well known in the prior art, for system blocks labeled "speech recognition systems" to utilize analysis based on automatic speech recognition techniques to analyze speech and then to utilize a different method such as tone filtering to detect tones. The text cited in Merrow by the Office Action only discloses that the speech recognition system is detecting a tone and does not disclose or suggest that the speech recognition system is utilizing speech recognition analysis to determine the tone. This is in contrast to the discussion of how the speech is determined by the speech recognition system of Merrow. For example, Merrow in Col. 1, line 56-Col. 2, line 28 is very clear that various speech recognition analysis techniques are utilized to determine speech. In addition, Merrow in the text at Col. 4, lines 40-67 is also clear that speech recognition analysis is utilized to determine speech. However, there is no disclosure

or suggestion that this speech recognition analysis is also utilized to detect tones. In fact, Merrow is silent on how tones are detected by speech recognition system 16 of FIG. 1.

Clearly, Merrow does not enable one skilled in the art to detect tones using speech recognition techniques. The Federal Circuit decisions clearly affirm that a prior art publication must be enabling in order to defeat novelty, that is, constitute anticipation. See Transclean Corp. v. Bridgewood Services, 290 F.3d 1364, 1378 (Fed. Cir. 2002); Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc., 246 F.3d 1368 (Fed. Cir. 2001) and Rockwell International Corp. v. United States, 147 F.3d 1364 (Fed. Cir. 1998).

In summary, there is no disclosure or suggestion in Merrow that speech recognition analysis is utilized to detect tones as recited in claim 1.

In summary, Merrow does not anticipate claim 1 under 35 U.S.C. §102(b). Dependent claims 3 and 5 are directly dependent on claim 1 and are patentable for at least the same reason as claim 1.

Rejection of Claims 8 and 9 under 35 U.S.C. §102(e)

This rejection is respectfully traversed. Claims 8 and 9 are patentable over Merrow for the same reasons as claims 1 and 3.

Rejection of Claims 12 and 14 under 35 U.S.C. §102(e)

This rejection is respectfully traversed. Claim 12 and is patentable over Merrow for the same reasons as claim 1. Claims 14 and 16-18 are directly or indirectly dependent on claim 12 and are patentable under 35 U.S.C. §102(e) for at least the same reasons as claim 12.

Rejection of Claims 19, 21, and 23 under 35 U.S.C. §102(e)

This rejection is respectfully traversed. Claim 19 and is patentable over Merrow for the same reasons as claim 1. Claims 21 and 23, are directly or indirectly dependent on claim 19 and are patentable under 35 U.S.C. §102(e) for at least the same reasons as claim 19.

Rejection of Claims 1, 8, 12 and 19 under 35 U.S.C. §103(a) over Ramanan in view of Merrow

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Without conceding the first and second criteria, Applicant respectfully asserts that the Examiner has not met the third criteria.

This rejection is respectfully traversed. In rejecting claim 1 under 35 U.S.C. §103(a) over Ramanan in view of Merrow, the Examiner states that Ramanan does not disclose that tones are detected by analyzing using automatic speech recognition but rather relies on Merrow to disclose this operation. The Office Actions states "however, Merrow discloses a speech recognition system in FIG. 1 for recognizing both words and a tone..." As was explained in the discussion of the rejection of claim 1 under 35 U.S.C. §102(e), Merrow does not disclose utilizing speech recognition analysis for detecting a tone but rather simply states that a tone is detected by a speech recognition system. However, claim 1 recites that "concurrently analyzing using automatic speech recognition the received audio information for words and tones..."

Applicants respectfully assert that for the above reasons, claim 1 is patentable under 35 U.S.C. §103(a) over Ramanan in view of Merrow. Claims 8, 12, and 19 are patentable for the same reasons as claim 1.

Rejection of Claims 5 and 6 under 35 U.S.C. §103(a) over Merrow in view of Ramanan

Dependent claims 5 and 6 are indirectly dependent on claim 1 and are patentable for at least the same reasons as claim 1 since the Office Action does not rely on Ramanan to teach the analysis of tones using speech recognition analysis as recited in claim 1.

Rejection of Claims 10 and 11 under 35 U.S.C. §103(a) over Merrow in view of Ramanan

Dependent claims 10 and 11 are indirectly dependent on claim 8 and are patentable for at least the same reasons as claim 8 since the Office Action does not rely on Ramanan to teach the analysis of tones using speech recognition analysis as recited in claim 8.

Rejection of Claims 17 and 18 under 35 U.S.C. §103(a) over Merrow in view of Ramanan

Dependent claims 17 and 18 are indirectly dependent on claim 8 and are patentable for at least the same reasons as claim 12 since the Office Action does not rely on Ramanan to teach the analysis of tones using speech recognition analysis as recited in claim 12.

Summary

In view of the foregoing, applicants respectfully request reconsideration of all claims, presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone

number listed below.

Respectfully,

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